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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Said Ali Hassan,

10 Plaintiff,

11 vs.

12 Charles R. Ryan, et al.,

13 Defendants.
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No. CV 12-2306-PHX-RCB (LOA)

ORDER

15 On October 29, 2012, Plaintiff Said Ali Hassan, who was formerly confined in the
16 Arizona State Prison Complex-Yuma, filed a *pro se* civil rights Complaint pursuant to 42
17 U.S.C. § 1983 and an Application to Proceed *In Forma Pauperis*. In a November 19,
18 2012 Order, the Court granted the Application to Proceed, assessed the statutory filing
19 fee of \$350.000, and gave Plaintiff 30 days to either pay the filing fee or show cause why
20 he cannot pay.

21 On December 7, 2012, Plaintiff filed a “Motion to Show Cause” (Doc. 8). In his
22 Motion, Plaintiff states that he has been living in a halfway house, is indigent, and has
23 been looking for work. Plaintiff requests 120 days to pay the filing fee and states that he
24 will make four incremental payments to pay the filing fee.

25 If Plaintiff were still a prisoner, the Court would order Plaintiff’s custodian to
26 periodically withdraw funds from Plaintiff’s inmate account according to the statutory
27 formula in 28 U.S.C. § 1915(b)(2) until the filing fee was paid in full. However, because
28 Plaintiff is no longer in custody, and therefore does not have a prison account, he cannot

1 avail himself of the partial payment provisions of 28 U.S.C. § 1915(b)(1), (2). The
 2 statute makes no other provision for incremental collection of the fee. Thus, although the
 3 Court, in its discretion, will grant Plaintiff an extension of time to pay the filing fee,
 4 Plaintiff must pay the filing fee in its entirety at that point, or show good cause why he
 5 cannot pay the filing fee. Moreover, the Court finds that a 120-day extension of time is
 6 unreasonably long. The Court will give Plaintiff a 60-day extension of time to pay the
 7 filing fee or show good cause why he cannot pay the filing fee.

8 Plaintiff is advised that even after he pays the filing fee, the Court is required to
 9 screen complaints brought by prisoners seeking relief against a governmental entity or an
 10 officer or an employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must
 11 dismiss a complaint or portion thereof if the plaintiff has raised claims that are legally
 12 frivolous or malicious, that fail to state a claim upon which relief may be granted, or that
 13 seek monetary relief from a defendant who is immune from such relief. 28 U.S.C.
 14 § 1915A(b)(1), (2).

15 If Plaintiff fails to timely comply with every provision of this Order, the Court
 16 may dismiss this action without further notice. *See Ferdik v. Bonzelet*, 963 F.2d 1258,
 17 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to comply with
 18 any order of the Court).

19 **IT IS ORDERED:**

20 (1) Plaintiff's "Motion to Show Cause" (Doc. 8) is **granted in part** to the
 21 extent he seeks an extension of time to pay the filing fee and **denied in part** to the extent
 22 he seeks a 120-day extension of time and seeks to make incremental payments of the
 23 filing fee.

24 (2) Within **60 days** from the date this Order is filed, Plaintiff must either pay
 25 the \$350.00 filing fee **or** show cause why he cannot pay the filing fee.

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1 (3) If Plaintiff fails to pay the filing fee **or** show cause why he cannot pay
2 within 60 days, the Clerk of Court must enter a judgment of dismissal of this action
3 without prejudice.

4 DATED this 19th day of March, 2013.

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7 Robert C. Broomfield
8 Senior United States District Judge
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